In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 14356 of 2006

Date of Decision: 8.9.2006

Harbans Kaur and others.

....Petitioners.

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. S.K. Rattan, Advocate
for the petitioners.

...

J.S. Khehar, J. (Oral).

The petitioners, who are employees of the Education Department, were not paid certain Dearness Allowance (hereinafter referred to as DA) installments which were payable to all the employees of the State government, till the said DA component was incorporated within their pay structure, on a revision of pay scales. It is, therefore, that the petitioners raised a grievance for the release of their DA installments, with effect from, the date the same were released to other employees of the State government. In order to substantiate their claim, the petitioners also placed reliance on a decision rendered by this Court in Gurmail Singh and others Vs. State of Punjab and others (Civil Writ Petition No.6326 of 2006, decided on 16.5.2006).

It is now not a matter of dispute, that the petitioners have been paid the arrears of DA, as claimed by them. Through the instant writ petition, the petitioners claim interest on delayed payment of the aforestated DA installments. It is also the contention of the learned counsel for the petitioners, that to claim the instant relief, the petitioners had issued a legal notice dated 30.6.2006 (Annexure P-3), but no decision has been taken thereon till date. Learned counsel for the petitioners states, that the petitioners will be satisfied, if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the Director, Public Instructions (Elementary), Punjab, requiring him to take a final decision on the legal notice dated 30.6.2006 (Annexure P-3).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 4. Learned counsel for the respondents states, that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioners.

In view of the above, without going into the merits of the claim raised by the petitioners, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.2 i.e. the Director, Public Instructions (Elementary), Punjab, to take a final decision on the legal notice dated 30.6.2006 (Annexure P-3), so as to determine whether the petitioners are entitled to interest on account of delayed payment of DA installments. A final decision in this behalf be taken within three months from the date of receipt of a certified copy of this order. In case, the petitioners are found entitled to payment of interest on account of

delayed payment of DA installments, the same shall be calculated and released to them within a further period of two months.

Disposed of accordingly.

Order dasti on payment of usual charges.

( J.S. Khehar )
Judge.

( S.D. Anand )
Judge.

8.9.2006
sk.